



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 12 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN THE MATTER OF: Nationwide Access, LLC

Messrs Sam Alshasi and Nader Disasard
Owners
Nationwide Access, LLC
15825 Stagg Street
Van Nuys, CA 91406

ATTENTION: Sam Alshasi and Nader Disasard, Owners

Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)

The United States Environmental Protection Agency ("EPA") hereby requires Nationwide Access LLC ("Nationwide" or "you") to submit certain information as part of an EPA investigation to determine Nationwide's compliance with Sections 203(a)(1) and 213(d) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the applicable regulations at 40 C.F.R. Parts 1051 and 1068. Examples of vehicles or engines regulated under these Parts include, but are not limited to, all-terrain vehicles and utility terrain vehicles. Exhibit B specifies the information that Nationwide must submit. Exhibit C provides instructions for your response to this Request for Information, and Exhibit D provides definitions.

We are issuing this Request for Information pursuant to Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with these requirements and the regulations promulgated thereunder.

You must submit the information within thirty (30) calendar days from the date of this Request for Information. If you anticipate being unable to fully respond to this Request for Information by these dates, you must contact Janice Chan at (415) 972-3308 within 15 days of the date of this Request for Information and, with an appropriate justification, request an extension of time to answer some of the questions below. If timely submitted, the EPA will review your request and may extend the time in which your response must be provided.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its

entirety, and in the format requested, may result in additional inquiries and penalties. It is important that your responses be clear, accurate, and complete. We will regard submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes. We may use any information submitted in response to this request in an administrative, civil or criminal action.

Finally, Nationwide must submit all requested information under an authorized signature with the following certification (provided in a Statement of Certification under Exhibit E):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, accurate, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. § 1001 and 1341.

You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this request, in accordance with the procedures described in the Confidentiality of Business Information ("CBI") regulations, 40 C.F.R. Part 2, Subpart B. However, no such CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph and sentence when identifying the information subject to your claim. Exhibit A specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit all requested information, via courier service or overnight delivery, to:

Janice Chan
U.S. Environmental Protection Agency
Enforcement Division (ENF-2-1)
75 Hawthorne Street
San Francisco, CA 94105

Any questions concerning this Request for Information should be directed to Janice Chan of the EPA's Region IX Enforcement Division at (415) 972-3308, or your attorney may contact Margaret Alkon of the EPA's Region IX Office of Regional Counsel at (415) 972-3890.

Jan 11 2016
Date



for Phillip A. Brooks, Director
Air Enforcement Division

EXHIBIT A

Confidential Business Information

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, Subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, Subpart B, business confidentiality means the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information. *See* 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, Subpart B. The EPA will construe your failure to furnish a business confidentiality claim with your response to this Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. *See* 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. *See* 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Information Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Janice Chan
U.S. Environmental Protection Agency
Enforcement Division (ENF-2-1)
75 Hawthorne Street
San Francisco, CA 94105

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.

EXHIBIT B

Request for Information for Nationwide Access, LLC

Nationwide shall submit the following information to the EPA pursuant to Section 208 of the Clean Air Act, 42 U.S.C. § 7542, regarding the importation, manufacture, distribution, sale and/or offering for sale of vehicles, vehicle parts, vehicle engines, and incomplete vehicle engine parts, including but not limited to recreation vehicles or parts:

1. For each vehicle imported by Nationwide into the United States since January 1, 2014, to the date of this Request for Information, provide the following information in electronic spreadsheet format:
 - a. The date of importation;
 - b. The port of importation;
 - c. The U.S. Department of Homeland Security's Bureau of Customs and Border Protection ("Customs") entry number;
 - d. The declared value of the entry;
 - e. The name and address of the Importer of Record;
 - f. The original month and year of manufacture of the vehicle;
 - g. The engine fuel type (*e.g.*, gasoline or diesel);
 - h. The engine size (in cubic centimeters);
 - i. The engine rated power in kilowatts ("kW");
 - j. The type of vehicle (*e.g.*, dirt bike, motorcycle, ATV), where applicable;
 - k. The name and address of the company that manufactured the vehicle;
 - l. The model year of the vehicle;
 - m. The complete commercial model name or number of the vehicle as shown on the vehicle;
 - n. The vehicle identification number ("VIN") of the vehicle, if any;
 - o. The EPA engine family name listed on the EPA emission control information label, if any;
 - p. The applicable EPA issued Certificate of Conformity number, if any;
 - q. The engine serial number ("ESN") of the engine, if any;
 - r. The date sold by Nationwide;
 - s. The name, address, phone number and email address of the purchaser; Whether the purchaser is the ultimate purchaser (*i.e.* the person or entity who uses the vehicle for the purpose for which it was designed); and
 - t. State whether the vehicle is still in Nationwide's possession or control.
2. Provide the following documents for each vehicle identified in response to Request 1:
 - a. Customs Entry Form 3461;
 - b. EPA Declaration Form 3520-1;
 - c. The invoice, packing list, and shipping documents for each entry;
 - d. A list of all the VINs and ESNs for the vehicles and engines in each entry (with this information, please explain the meaning of each digit contained in the vehicle identification numbers, and how to interpret these numbers);

- e. The name and address of any Customs broker used for importation; and
 - f. The owner's manual.
3. For each vehicle part, engine part, and vehicle or engine kit, including but not limited to bicycle kits, and parts therein sold or introduced into commerce by Nationwide since January 1, 2014, to the date of this Request for Information, provide the following information in electronic spreadsheet format:
- a. The function of the part and where it fits in or on the vehicle or engine;
 - b. The date of importation;
 - c. The port of importation;
 - d. Customs entry number;
 - e. The declared value of the entry;
 - f. The name and address of the Importer of Record;
 - g. A description of the vehicle or engine for which the part is intended, including:
 - 1. The type of vehicle for which the part is intended (*e.g.*, bicycle, dirt bike, motorcycle, ATV);
 - 2. The engine fuel type (*e.g.* gasoline or diesel) of the vehicle or engine
 - 3. The engine displacement in cubic centimeters;
 - 4. The engine rated power in kilowatts (kW);
 - 5. The name and address of the company or companies which manufactured each engine part;
 - 6. The complete commercial model name or number of each engine part;
 - 7. The ESN
 - 8. The EPA engine family name listed on the EPA emission control information label, if any;
 - 9. The applicable Certificate of Conformity number, if any;
 - 10. The date sold by Nationwide;
 - 11. The name, address, phone number and email address of the purchaser, if any;
 - 12. Whether the part is still in Nationwide's possession or control.
4. For each engine which Nationwide has assembled or modified in any way and sold or introduced into commerce in the United States since January 1, 2014, to the date of this Request for Information, provide the following information in electronic spreadsheet format:
- a. The original month and year of manufacture of the engine;
 - b. The engine fuel type (*e.g.*, gasoline or diesel);
 - c. The engine size (in cubic centimeters);
 - d. The engine rated power in kW;
 - e. The type of vehicle for which the engine is intended (*e.g.*, bicycle, dirt bike, motorcycle, ATV);
 - f. The name and address of the company that assembled or modified each engine;
 - g. The model year of the engine;
 - h. The complete commercial model name or number of each engine;
 - i. The ESN;
 - j. The EPA engine family name listed on the EPA emission control information label, if any;
 - k. The applicable certificate of conformity number, if any;

- l. The date sold by Nationwide to the ultimate purchaser, if any;
 - m. The name of the purchaser, if any; and
 - n. State whether the engine part is still in Nationwide's possession or control.
5. If any vehicle, engine, or part identified in response to Request 1 through 4 was exported out of the United States (including those contained in a vehicle or equipment), provide supporting documentation to that effect.
6. Provide a narrative description and any supporting documents of any inspections, compliance assurance processes, or procedures you use to ensure that any vehicles, engines, or parts identified in Requests 1 through 4 above comply with the CAA.
7. Identify each vehicle, engine, or part identified in response to Requests 1, 3, and 4 that is not covered by an applicable certificate of conformity, and provide test results, (*e.g.*, emissions tests or catalyst performance analysis), demonstrating the vehicle's or engines continued compliance with emission standards (if available) and a description of any installed emission control devices. If there is no certificate of conformity, so state.
8. For each vehicle, engine, or part identified with no certificate of conformity in response to Request 7, provide a narrative description explaining why the vehicles, engines, or parts have no certificate of conformity as well as any supporting documentation (*e.g.*, communications with the EPA's Office of Transportation and Air Quality related to the application for engine certification). Such documents include, but are not limited to, the application for certification, test results submitted with the application for certification, and the engine and vehicle model designs for the engine family.
9. For each vehicle, engine, or part identified in response to Request 7, state whether the Nationwide's sale or distribution of the item was made directly with the ultimate purchaser, or with a third party involved. If a third party was involved, provide the name of the third party and describe how the third party played a role in the sale.
10. Identify all components Nationwide manufactured, installed, sold, or offered for sale that Nationwide has identified in any of your or its marketing media using disclaimers including, but not limited to: "Race Use Only," "Not legal for sale or use on pollution controlled vehicles based and registered in California," "49 state legal," "off-road use only," "Not for Sale or Use on Any Pollution-controlled Vehicle in the United States," "Closed Courses Only," or similar designations.
11. For each component identified in Request 10, above, provide the following information in electronic spreadsheet format:
 - a. The component part number and identifying name, and the component part number and identifying name from the manufacturer or supplier;
 - b. The vehicle applications by make, model, engine types, and year;
 - c. A description of what the component does and how it operates;
 - d. The quantity that was manufactured and/or purchased by you;

- e. The quantity that was sold or offered for sale by you; and
 - f. The name and date of any emissions testing or reports regarding any effect to emissions.
 - g. Use in marketing of disclaimers as identified in Request 10.
12. For each component identified in Request 10, above, identify in an electronic spreadsheet format:
- a. The engine parameters (*e.g.*, fuel delivery rate, timing of mixture, or the combustion process or other engine parameters) affected or changed in any way by such component.
 - b. The engine elements of design that are affected or changed in any way by such component.
 - c. Whether and how this component permanently or temporarily: changes, affects, bypasses, turns on, turns off, renders inoperative, facilitates the removal of, modifies, or simulates the operation of a vehicle's:
 - i. Sensors or signals related to the vehicle's emission control systems or elements of design; and
 - ii. Any other emission related parts as compared to its function as originally designed by the original equipment manufacturer to assure continued vehicle emission compliance.
13. For components identified in response to Request 10, above, state whether you or any other entity conducted tests measuring emissions of hydrocarbons, carbon monoxide, nitrogen oxides, and/or particulate matter, including tests that measure the impact of the component on motor vehicle emissions or that measure the impact of the component on a vehicle's emission control devices or elements of design. For each such test, provide the following information:
- a. A description of the test, including identification of the component and vehicle, the EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures;
 - b. A sample test report and any training or instructional materials used for educating employees and affiliated persons about how to perform the test; and
 - c. The date and location of the test, the name and position of the person that conducted the test, and the test results.
14. For each component identified in Request 10, above, that was manufactured, installed, sold, or offered for sale by Nationwide, provide the following:
- a. Copies of your advertisements to sell, distribute, or install the component, including advertisements on web sites and in other media;
 - b. Copies or any installation or operation instructions, guides, or manuals;
 - c. Copies of receipts for the total quantity of the component purchased by you; and
 - d. Copies or receipts for the total quantity of the component sold by you.

15. For each component identified in Request 10, above, sold to an individual customer in quantities of two or more, provide:
 - a. The quantity that was sold to each customer during each year from January 2014 through the present;
 - b. The name, address, contact person(s), and phone number of each customer; and
 - c. The name under which the customer marketed the component, if any.
16. Provide a narrative description and any supporting documents describing any inspections, compliance assurance processes, or procedures you use to ensure that components identified in response to Request 10, above, comply with the requirements of the CAA and that any emission related parts, are functioning as initially designed by the original vehicle manufacturer to assure continued vehicle emission compliance.
17. For components that are identified in response to Request 10, above, state whether Nationwide submitted an application for an Executive Order to the California Air Resources Board and provide a copy of the application for each component. State whether each component received an Executive order exempting the component from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the component received an Executive Order, provide the Executive Order number and state whether the California Air Resources Board required Nationwide to change the component or application to receive approval.
18. Provide a narrative description of how you distribute and sell vehicles, engines, parts, or components in the U.S. If any vehicles manufactured, imported, or sold in the United States by Nationwide are sold via the Internet, include any and all web addresses.
19. Provide the name, address, and any other relevant contact information for each manufacturer, service provider, retailer, importer, and distributor of any vehicle, engine, part, or component identified in response to Request 1, 3 and 10, above. Also provide a copy of each vendor agreement, warranty agreement, service contract, indemnification agreement, and contract between Nationwide and each such company.
20. Provide a list of all entities that are affiliated with Nationwide. Describe the business relationships with these entities and provide copies of all agreements regarding sales identified in response to Request with those entities.
21. Provide a copy of Nationwide's or any affiliates' certificate of good standing, articles of incorporation, by-laws, and partnership or membership agreements, as applicable.
22. For each component identified in response to Request 10, state whether the transaction or sale was made directly with the ultimate purchaser, or with a third party involved. If a third party was involved, provide the name of the third party and describe how the third party played a role in the sale.
23. Provide a list of Nationwide's officers, directors, and shareholders.

24. Identify all persons responsible for responding to this Request for Information, including their titles and the request(s) to which they responded.

EXHIBIT C

Instructions

1. This Request for Information is a continuing request. You must promptly supplement your response in the event that you learn that you possess responsive documents or information not yet produced, or gain possession, custody or control of responsive documents or information after initially responding to this Request for Information.
2. Provide responses to this Request for Information in English, in written document form, and in electronic form using spreadsheet or word processing software (*e.g.*, Word or Excel) or in PDF format, provided you have access to such software.
3. Where documents or information necessary for a response are not in your possession, custody, or control, indicate in your response why such information is not available or in your possession, custody or control, and identify any source that either possesses or is likely to possess such information.
4. All submitted documents should be copies and not original documents.
5. Indicate on each document produced the number of the question to which it corresponds.
6. Where Nationwide has previously submitted to the EPA information requested herein, re-submit the information in the format requested. Identify the material that was previously provided, the date on which it was provided, and the person at the EPA to whom it was provided.
7. To the extent that Nationwide has no responsive information or documents for any particular request, this must be explicitly stated in the response. Where the reason for no response is that it is unavailable, state so with "NONE." Where the reason for no response is that Nationwide does not know, state so with "IDK." For other reasons (*e.g.*, not applicable) for no response, provide a detailed narrative.
8. To the extent that a response or a document is responsive to more than one request, this must be so indicated and only one copy of the document need be provided.
9. All responsive documents must be:
 - a. Provided as an accurate and legible copy in a searchable file format;
 - b. Submitted on a disk (CD or DVD media); and
 - c. Number stamped in sequential order (*e.g.*, BATES stamped).

EXHIBIT D

Definitions

1. All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the regulations found at 40 C.F.R. Parts 1051 and 1068.
2. The terms “document” and “documents” means any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. The term includes electronic mail and text messages. If in computer format or memory, each such document must be provided in translation to a form useable and readable by the EPA, with all necessary documentation and support. All documents in hard copy also should include attachments to or enclosures with any document.
3. The term “entity” means any natural person, corporation, partnership, limited liability company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
4. The term “person” includes an individual, corporation, partnership or association (see Section 302(e) of the CAA, 42 U.S.C. § 7602(e)).
5. The terms “Nationwide,” “you,” and “your” include Nationwide Access, LLC, and any affiliates, predecessors, successors, and assigns.
5. “Affiliate” or “affiliated” means any entity that, directly or indirectly or through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership or control with the entity named in the sentence where “affiliate” or “affiliated” is used (other than entities serving solely as customs brokers).
6. The term “certificate of conformity” refers to the certificate issued by the EPA under Section 206 of the Act, 42 U.S.C. § 7525.
7. The term “recreational vehicle” refers to the vehicles regulated under 40 C.F.R. Part 1051.
8. The term “emission related parts” means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance as defined in 40 C.F.R. § 85.2102.
9. The term “Importer of Record” refers to the company name on the U.S. Department of Homeland Security's Bureau of Customs and Border Protection Entry Form (Customs Form 3461).

EXHIBIT E

Statement of Certification

[This Certification is for signature by the owner, president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Nationwide Access, LLC is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's (EPA) request for information, issued pursuant to Section 208(a) of the Clean Air Act, to determine whether the entity is in compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by Nationwide Access, LLC to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

Certificate of Mailing

I, Cassandra Barnes, certify that I sent a Request for Information pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Nationwide Access, LLC
15825 Stagg Street
Van Nuys, CA 91406

on the 12 day of January 2015.



Cassandra Barnes,
U.S. EPA

Certified Mail Receipt Number: 7008 3230 0000 9452 5343

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